

PATENT  
Docket No. 437472000200

11A

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*Tami M. Procopio*  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

In the application of:

Bryan HIROMOTO

Serial No.: 09/826,559

Filing Date: 04 April 2001

For: IMPROVED PESTICIDE  
MICROEMULSION AND  
DISPERSANT/PENETRANT  
FORMULATIONS

Examiner: M. V. Meller

Group Art Unit: 1654

AMENDMENT UNDER 37 C.F.R. § 1.111

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is in response to an Office action herein mailed 9 October 2002, time for response to which was set to expire 9 November 2002. An election of species was required.

Applicants previously elected to prosecute the invention of Group I, claims 1-18, 30, 32 and 49-51. The election was made with traverse; however, in order to expedite prosecution, applicants will cancel below the remaining claims to non-elected inventions.

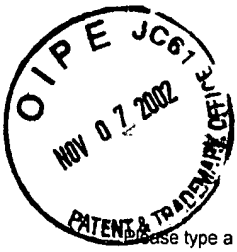
The Office requires an election of species to the "many different anionic surfactant blends, microemulsion surfactant blends, and C<sub>11</sub> alcohol with polyalkoxylation ratio of 7:1." Applicants do not entirely understand the basis for this requirement for an election of species since there are no claims to any subspecies of the categories mentioned by the Office. Nevertheless, in order to comply with this requirement, applicants elect the species exemplified in Table 1 on page 20 of the specification. Thus, the C<sub>11</sub> alcohol with polyalkoxylation ratio of



7:1 is Tomadol 1-7 in combination with Tomadol 91-2.5 The microemulsion formulation is H306A; and the anionic surfactant is Atsurf 1910.



Thus, a specific composition in terms of the species for which election is required has been designated.



1654

PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/826,559	
	Filing Date	4 April 2001	
	First Named Inventor	Bryan HIROMOTO	
	Group Art Unit	1654	
	Examiner Name	M. V. Meller	
Total Number Of Pages In This Submission	5	Attorney Docket No.	437472000200

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**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Return Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm or Individual Name	Kate H. Murashige (Reg. No. 29,959) Morrison & Foerster LLP 3811 Valley Centre Drive, Suite 500 San Diego, CA 92130-2332
Signature	
Date	November 1, 2002

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Tami M. Procopio

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